

## DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY:  COMPLAINT  INFORMATION  INDICTMENT  
 SUPERSEDING

## OFFENSE CHARGED

Title 15, United States Code,  
Section 1 (Price Fixing)

Petty  
 Minor  
 Misdemeanor  
 Felony

PENALTY:

## PROCEEDING

Name of Complainant Agency, or Person (&amp;Title, if any)

Federal Bureau of Investigation

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21 or 40. Show District

this is a reprocution of charges previously dismissed which were dismissed on

U.S. Atty  Defense

this prosecution relates to a pending case involving this same defendant

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

SHOW DOCKET NO.

MAGISTRATE CASE NO.

Name and Office of Person Furnishing Information on THIS FORM

KEVIN V. RYAN

U.S. Atty  Other U.S. Agency

Name of Asst. U.S. Atty (if assigned)

*M. Lynch*  
MIALL E. LYNCH, Assistant Chief, USDOJ, ANTITRUST DIVISION

## PROCESS:

SUMMONS  NO PROCESS\*  WARRANT Bail Amount: \_\_\_\_\_

If Summons, complete following:

Arraignment  Initial Appearance

Defendant Address:

\*Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_

Before Judge: \_\_\_\_\_

Comments: \_\_\_\_\_

Name of District Court, and/or Judge/Magistrate Location  
NORTHERN DISTRICT OF CALIFORNIA

FILED

DEFENDANT - U.S.

06 MAR 14 AM 9:35

AKZO NOBEL CHEMICALS INTERNATIONAL  
RICHARD W. WILKING  
DOCKET U.S. DISTRICT COURT  
DISTRICT COURT NUMBER

CR 06 0160

## DEFENDANT

## IS NOT IN CUSTODY

1)  Has not been arrested, pending outcome this proceeding.  
 If not detained give date any prior summons was served on above charges

2)  Is a Fugitive

3)  Is on Bail or Release from (show District)

## IS IN CUSTODY

4)  On this charge  
 5)  On another conviction  
 6)  Awaiting trial on other }  Fed'l  State

If answer to (6) is "Yes", show name of institution

Has detainer been filed?  Yes  No } If "Yes" give date filed

DATE OF ARREST }  
Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED  
TO U.S. CUSTODY

This report amends AO 257 previously submitted

**PENALTY SHEET**

Company: **AKZO NOBEL CHEMICALS INTERNATIONAL B.V.**

Maximum Penalties:

1. A fine in an amount equal to the largest of:
  - A. \$10 Million.
  - B. Twice the gross pecuniary gain derived from the crime.
  - C. Twice the gross pecuniary loss caused to the victims of the crime.
2. A term of probation of at least one year but not more than five years.
3. \$400 special assessment.
4. Restitution.

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FILED  
06 MAR 14 AM 9:35  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

E-filing  
JSW

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

10 SAN FRANCISCO DIVISION

CR 06 0160

11 UNITED STATES OF AMERICA ) No. CR

12 v. ) INFORMATION

13 AKZO NOBEL CHEMICALS ) VIOLATION:  
14 INTERNATIONAL B.V., ) Title 15, United States Code,  
15 Defendant. ) Section 1 (Price Fixing)

San Francisco Venue

16 The United States of America, acting through its attorneys, charges:

17 I.

18 DESCRIPTION OF THE OFFENSE

19 1. AKZO NOBEL CHEMICALS INTERNATIONAL B.V. is made a defendant on  
20 the charge stated below.

21 2. Beginning on or about July 1, 1998 and continuing until on or about December 1,  
22 2001, the defendant and coconspirators participated in a combination and conspiracy to suppress  
23 and eliminate competition by fixing the price of hydrogen peroxide sold in the United States and  
24 elsewhere. The combination and conspiracy engaged in by the defendant and coconspirators was  
25 in unreasonable restraint of interstate and foreign trade and commerce in violation of Section 1 of  
26 the Sherman Act (15 U.S.C. § 1).

1       3. The charged combination and conspiracy consisted of a continuing agreement,  
2 understanding, and concert of action among the defendant and coconspirators, the substantial  
3 terms of which were to suppress and eliminate competition by fixing the price of hydrogen  
4 peroxide in the United States and elsewhere.

5       4. For the purpose of forming and carrying out the charged combination and  
6 conspiracy, the defendant and coconspirators did those things that they combined and conspired  
7 to do, including, among other things:

8 (a) participating in conversations and meetings to discuss prices of hydrogen peroxide  
9 to be sold in the United States and elsewhere;

10 (b) agreeing, during those conversations and meetings, to fix prices of hydrogen  
11 peroxide to be sold in the United States and elsewhere;

12 (c) participating in conversations and attending meetings concerning implementation  
13 of and adherence to the agreements reached;

14 (d) issuing price announcements and price quotations in accordance with the  
15 agreements reached; and

16 (e) exchanging information on the sale of hydrogen peroxide in the United States and  
17 elsewhere.

II.

## DEFENDANT AND COCONSPIRATORS

20        5.        The defendant is an entity organized and existing under the laws of the  
21      Netherlands, with its principal place of business in Amersfoort, the Netherlands. During the  
22      period covered by this Information, the defendant was engaged in the business of producing and  
23      selling hydrogen peroxide in the United States and elsewhere.

24       6.     Various corporations and individuals, not made defendants in this Information,  
25 participated as coconspirators in the offense charged herein and performed acts and made  
26 statements in furtherance of it.

1       7. Whenever in this Information reference is made to any act, deed, or transaction of  
2 any corporation, the allegation means that the corporation engaged in the act, deed, or transaction  
3 by or through its officers, directors, employees, agents, or other representatives while they were  
4 actively engaged in the management, direction, control, or transaction of its business or affairs.

III.

## TRADE AND COMMERCE

7        8.      Hydrogen peroxide is a chemical compound with strong oxidizing properties that  
8 is widely used as a bleaching agent. The same household chemical commonly used as a  
9 disinfectant for cuts and scrapes, hydrogen peroxide also has multiple industrial uses, including  
10 applications in the electronics, energy production, mining, cosmetics, food processing, textiles,  
11 and pulp and paper manufacturing industries.

12        9. During the period covered by this Information, the defendant and coconspirators  
13 manufactured, sold, and distributed hydrogen peroxide in a continuous and uninterrupted flow of  
14 interstate and foreign trade and commerce to customers located in states or countries other than  
15 the states or countries in which the defendant and coconspirators produced hydrogen peroxide.

16        10. The business activities of the defendant and coconspirators that are the subject of  
17 this Information were within the flow of, and substantially affected, interstate trade and  
18 commerce.

IV.

## JURISDICTION AND VENUE

21        11. The combination and conspiracy charged in this Information was carried out, in  
22 part, in the Northern District of California within the five years preceding the filing of this  
23 Information.

24 | //

25 | //

26 | 111

1 ALL IN VIOLATION OF TITLE 15, UNITED STATES CODE, SECTION 1.

2 Dated: March 14, 2006

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